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David Mail

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Husch Blackwell Sanders, LLP

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EXAMINER

CHAO, MICHAEL W

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,417	Applicant(s) MAIL ET AL.	
	Examiner Michael Chao	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-21, 26-42, 45-49 and 58-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-21, 26-42, 45-49 and 58-60 is/are rejected.
- 7) ☒ Claim(s) 19 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 15, 16, 22-25, 43, 44, 50-57 are cancelled.

Claim Objections

Claims 19 and 47 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 19 and 47 depend on cancelled claims. It is assumed they now depend upon their respective independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-14, 29, 31-42, 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (U.S. 7,003,551), in view of Shen et al. (US 2004/0098463).

With respect to claims 1, 29, Malik teaches:

A method for distributing multimedia content, the method comprising:

Storing an item of multimedia content as stored multimedia content; ("An object of the present invention is to provide a method of storing an e-mail communication containing an attachment file received in an e-mail server." Malik column 2 line 58)

1 generating a content ID of said firstly transcoded version of said multimedia
2 content; (“generate file identification information. . . . such as checksum determination,
3 or extraction of certain attachment file header information.” Malik column 5 line 30)

4 receiving an instruction to forward said item of multimedia content to a second
5 multimedia device, said instruction comprising a copy of said firstly transcoded version
6 of said multimedia content; and (“Some of the recipients may in turn forward this e-mail
7 communication to other groups of recipients.” Malik column 2 line 15)

8 performing the following in response to said instruction:

9 accessing said stored content using said stored first content ID of said
10 firstly transcoded version of said multimedia content, said accessing comprising:

11 generating a received content ID of said copy of said firstly
12 transcoded version of said multimedia content; and (“The duplication checker next
13 identifies the properties associated with the attachment file in the file header” Malik
14 column 6 line 35)

15 looking up said stored multimedia content by comparing said
16 received content ID with said stored first content ID; and (“processing step generates
17 information by which the attachment file comparison section 26 of the duplication
18 checker 24 can search the attachment file storage database 28 for identical attachment
19 files” Malik column 5 line 35)

20 Malik does not teach:

21 Firstly transcoding said multimedia content for playback on a first multimedia
22 device, thereby producing a firstly transcoded version of said multimedia content;

1 storing said content ID of aid firstly transcoded version of said multimedia
2 content, as a stored first content ID, in association with said stored multimedia content;
3 transcoding said stored multimedia content for playback on said second
4 multimedia device.

5 Shen teaches:

6 Firstly transcoding said multimedia content for playback on a first multimedia
7 device, thereby producing a firstly transcoded version of said multimedia content; ("By
8 caching multiple versions, the amount of transcoding can be reduced because the
9 likelihood of an exact hit is increased" Shen paragraph [0043])

10 storing said content ID of aid firstly transcoded version of said multimedia
11 content, as a stored first content ID, in association with said stored multimedia content;
12 ("a determination can be made with regard to whether or not a transcodable version of
13 the object version identified in step 310 is cached in memory at the caching proxy" Shen
14 paragraph [0051])

15 transcoding said stored multimedia content for playback on said second
16 multimedia device. ("If a transcodable version of the object version identified in step 310
17 is cached, it can be transcoded and then sent to the client device")

18 A person of ordinary skill would have modified the attachment cache of Malik with
19 the transcoding cache of Shen by including support for multiple versions of a media file,
20 and the ability to transcode to a desired format.

1 It would have been obvious at the time the invention was made to a person of
2 ordinary skill in the art to modify the above invention in order to provide a more efficient
3 way of delivering content objects to end-users. (Shen paragraph [0059])

4 Regarding claims 3, 31, Malik teaches: storing said item of multimedia content
5 together with an original content identifier (ID) identifying said content. (“extraction of
6 certain attachment file header information.” Malik column 5 line 30)

7 Regarding claims 4, 32, Malik teaches: storing said item of multimedia content
8 together with an original content identifier (ID) that uniquely identifies said content.
9 (“such as checksum determination” Malik column 5 line 30)

10 Regarding claims 5, 33, Malik teaches: storing said item of multimedia content in
11 its original form. (“places an attachment file in the cache portion of the attachment file
12 storage” Malik column 5 line 65)

13 Regarding claims 6, 34, Malik teaches: storing said item of multimedia content
14 such that said content may be partly or wholly reconstituted. (“The mail store then
15 creates a link in the record of the header database to the attachment in the cache
16 portion” Malik column 5 line 61)

17 Regarding claims 7, 35, Malik teaches: receiving said original content ID from a
18 provider of said content. (“The duplication checker next identifies the properties
19 associated with the attachment file in the file header, which may include any of:
20 title/name . . .” Malik column 6 line 35)

21 Regarding claims 8, 36, Malik teaches: further comprising generating said
22 original content ID by applying either of a predefined hashing method and a predefined

1 fingerprinting method to said content and using either of the resulting hash and
2 fingerprint as said original content ID. ("such as checksum determination" Malik column
3 5 line 30)

4 Regarding claims 9, 37, Malik in view of Shen teaches: associating said original
5 content ID with different transcoded versions of said content. ("A transcode hit results
6 when a version B_K of a content object is requested while a transcodable version B_J
7 resides in caching system 240, version B_J having a higher bitrate than version B_K .
8 caching proxy 120 will transcode the cached version B_J to the appropriate bitrate B_K "
9 Shen paragraph [0041])

10 Regarding claims 10, 38, Malik teaches: sending a notification to said first
11 multimedia device indicating that said content is available for download to said
12 multimedia device. ("The steps for retrieving e-mail from the e-mail server . . . The client
13 now can view, reply, forward, copy, or delete the received e-mail message and
14 corresponding attachment file." Malik column 7 lines 35-45)

15 Regarding claims 11, 39, Malik teaches: delivering said firstly transcoded content
16 to said first multimedia device. ("The steps for retrieving e-mail from the e-mail server . .
17 . The client now can view, reply, forward, copy, or delete the received e-mail message
18 and corresponding attachment file." Malik column 7 lines 35-45)

19 Regarding claims 12, 40, Malik teaches: delivering said firstly transcoded content
20 to said first multimedia device together with any of said content IDs. ("extraction of
21 certain attachment file header information." Malik column 5 line 30)

1 Regarding claims 13, 41, Malik teaches: receiving said firstly transcoded content
2 from said multimedia device; and ("Some of the recipients may in turn forward this e-
3 mail communication to other groups of recipients." Malik column 2 line 15)

4 Regenerating said content ID of said firstly transcoded content. ("generate file
5 identification information. . . . such as checksum determination, or extraction of certain
6 attachment file header information." Malik column 5 line 30)

7 Regarding claims 14, 42, Malik teaches: wherein said regenerating step
8 comprises regenerating said content ID of said firstly transcoded content using the
9 same method used to generate said content ID of said firstly transcoded content.
10 ("generate file identification information. . . . such as checksum determination, or
11 extraction of certain attachment file header information." Malik column 5 line 30)

12 Regarding claim 58, Malik in view of Shen teaches: wherein said generating a
13 content ID of said firstly transcoded version of said multimedia content comprises:

14 Applying either of the following to said firstly transcoded version of said
15 multimedia content, and producing a result:

16 A predefined hashing method; and

17 A predefined fingerprinting method; and ("generate file identification
18 information. . . . such as checksum determination, or extraction of certain attachment file
19 header information." Malik column 5 line 30)

20 Using said result as said content ID.

1 Regarding claims 59, 60, Malik in view of Shen teaches: wherein said generating
2 a received content ID of said firstly transcoded version of said multimedia content
3 comprises:

4 Applying either of the following to said firstly transcoded version of said
5 multimedia content, and producing a result:

6 A predefined hashing method; and

7 A predefined fingerprinting method; and (“generate file identification
8 information. . . . such as checksum determination, or extraction of certain attachment file
9 header information.” Malik column 5 line 30)

10 Using said result as said received content ID.

11
12 Claims 2, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over
13 Malik (U.S. 7,003,551), in view of Shen et al. (US 2004/0098463), in view of Warsta et
14 al. (US 2004/0181550).

15 Regarding claims 2, 30, Malik in view of Shen does not discuss storing the item
16 at a multimedia message center (MMSC). Warsta discusses such a limitation, “One
17 advantage offered by the present invention, is the ability of MMSC 320 to not only cache
18 the capabilities of content consumption devices, e.g., mobile terminal 302 and 316, but
19 MMSC 320 may also cache the previously adapted content.” (Warsta paragraph
20 [0053]). A person of ordinary skill in the art would have modified the system of Malik in
21 view of Shen to accommodate MMS messages and cache as done in Warsta. It would
22 have been obvious at the time the invention was made to a person of ordinary skill in

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1 the art to modify the combination in order to reduce the redundancy in MMS messages
2 over a network.

3 Claims 17-21, 45-49, are rejected under 35 U.S.C. 103(a) as being unpatentable
4 over Malik (U.S. 7,003,551), in view of Shen et al. (US 2004/0098463), in view of
5 Kobata (US 2002/0077986).

6 Regarding claims 17, 45, Malik in view of Shen does not teach protecting
7 transcoded content with a content protection key (CPK). Kobata teaches said limitation,
8 “the digital asset may be stored in an encrypted format. . . decrypting the digital asset
9 may include retrieving a key from the intermediate server” (Kobata paragraph [0035]). A
10 person of ordinary skill in the art would have modified Malik in view of Shen with Kobata
11 by including in the email attachment version management a digital rights manager of the
12 form described in Kobata. It would have been obvious at the time the invention was
13 made to a person of ordinary skill in the art to modify the combination to provide “secure
14 [] communication and control of digital assets” (Kobata Abstract)

15 Regarding claims 18, 46, Malik in view of Shen does not teach identifying any
16 rights associated with providing said content to any of said multimedia devices;

17 Generating at least one entitlement as a function of said rights; and

18 Providing said content to any of said multimedia devices in accordance with said
19 entitlement. (“Furthermore depending on the digital rights defined for a particular copy
20 or form of digital content 320, the end-user may be able to forward the digital content”
21 Kobata paragraph [0124]). A person of ordinary skill in the art would have modified
22 Malik in view of Shen with Kobata by including in the email attachment version

1 management a digital rights manager of the form described in Kobata. It would have
2 been obvious at the time the invention was made to a person of ordinary skill in the art
3 to modify the combination to provide "secure [] communication and control of digital
4 assets" (Kobata Abstract)

5 Regarding claims 19, 47, Malik in view of Shen does not teach determining if said
6 copy of said firstly transcoded content is protected;

7 If said copy is protected, determining if said content may be forwarded to said
8 second multimedia device as indicated by any rights associated with either of said
9 content and the recipient of said firstly transcoded content; and

10 If said content may be forwarded, protecting and forwarding said secondly
11 transcoded content to said second multimedia device. ("Furthermore depending on the
12 digital rights defined for a particular copy or form of digital content 320, the end-user
13 may be able to forward the digital content" Kobata paragraph [0124]). A person of
14 ordinary skill in the art would have modified Malik in view of Shen with Kobata by
15 including in the email attachment version management a digital rights manager of the
16 form described in Kobata. It would have been obvious at the time the invention was
17 made to a person of ordinary skill in the art to modify the combination to provide "secure
18 [] communication and control of digital assets" (Kobata Abstract)

19 Regarding claims 20, 48, Malik in view of Shen in view of Kobata teaches:
20 protecting said secondly transcoded content with a content protection key (CPK)
21 associated with said secondly transcoded content. ("The tracking techniques may be
22 employed to implement "super-distributions" in which users to which a digital asset is

distributed are authorized to redistribute the digital asset to other users (though perhaps with more limited rights).” Kobata paragraph [0021])

Regarding claims 21, 49, Malik in view of Shen in view of Kobata teaches: wherein said first determining step comprises determining that said copy of said firstly transcoded content is protected by identifying a CPK stored in association with the content ID. (“As an alternative, rights may be stored locally but separately from the digital asset with a link to the digital asset” Kobata paragraph [0023])

Claims 26, 27, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (U.S. 7,003,551), in view of Shen et al. (US 2004/0098463), in view of Kobata (US 2002/0077986), in view of Evans et al. (U.S. 2003/0172121).

With respect to claim 26, Malik teaches:

A method for distributing multimedia content, the method comprising:
Storing an item of multimedia content as stored multimedia content; (“An object of the present invention is to provide a method of storing an e-mail communication containing an attachment file received in an e-mail server.” Malik column 2 line 58)
generating a content ID of said firstly transcoded version of said multimedia content; (“generate file identification information. . . . such as checksum determination, or extraction of certain attachment file header information.” Malik column 5 line 30)
receiving an instruction to forward said item of multimedia content to a second multimedia device, said instruction comprising a copy of said firstly transcoded version

1 of said multimedia content; and ("Some of the recipients may in turn forward this e-mail
2 communication to other groups of recipients." Malik column 2 line 15)

3 performing the following in response to said instruction:

4 accessing said stored content using said stored first content ID of said
5 firstly transcoded version of said multimedia content, said accessing comprising:

6 generating a received content ID of said copy of said firstly
7 transcoded version of said multimedia content; and ("The duplication checker next
8 identifies the properties associated with the attachment file in the file header" Malik
9 column 6 line 35)

10 looking up said stored multimedia content by comparing said
11 received content ID with said stored first content ID; and ("processing step generates
12 information by which the attachment file comparison section 26 of the duplication
13 checker 24 can search the attachment file storage database 28 for identical attachment
14 files" Malik column 5 line 35)

15 Malik does not teach:

16 An MMS server;

17 An MMS relay;

18 A DRM server.

19 Firstly transcoding said multimedia content for playback on a first multimedia
20 device, thereby producing a firstly transcoded version of said multimedia content;

21 storing said content ID of aid firstly transcoded version of said multimedia
22 content, as a stored first content ID, in association with said stored multimedia content;

transcoding said stored multimedia content for playback on said second multimedia device.

Shen teaches:

A transcoder;

Firstly transcoding said multimedia content for playback on a first multimedia device, thereby producing a firstly transcoded version of said multimedia content; ("By caching multiple versions, the amount of transcoding can be reduced because the likelihood of an exact hit is increased" Shen paragraph [0043])

storing said content ID of aid firstly transcoded version of said multimedia content, as a stored first content ID, in association with said stored multimedia content; ("a determination can be made with regard to whether or not a transcodable version of the object version identified in step 310 is cached in memory at the caching proxy" Shen paragraph [0051])

transcoding said stored multimedia content for playback on said second multimedia device. ("If a transcodable version of the object version identified in step 310 is cached, it can be transcoded and then sent to the client device")

A person of ordinary skill would have modified the attachment cache of Malik with the transcoding cache of Shen by including support for multiple versions of a media file, and the ability to transcode to a desired format.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the above invention in order to provide a more efficient way of delivering content objects to end-users. (Shen paragraph [0059])

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1 Furthermore, the combination of Malik in view of Shen does not teach:

2 An MMS server;

3 An MMS relay;

4 A DRM server.

5 Kobata teaches a DRM server: "Fig. 3 shows a computer device 310 in
6 communication with a server-based global rights manager unit" (Kobata paragraph
7 [0116]). A person of ordinary skill in the art would have modified Malik in view of Shen
8 with Kobata by including in the email attachment version management a digital rights
9 manager of the form described in Kobata. It would have been obvious at the time the
10 invention was made to a person of ordinary skill in the art to modify the combination to
11 provide "secure [] communication and control of digital assets" (Kobata Abstract)

12 Furthermore, the combination of Malik in view of Shen in view of Kobata does not
13 teach:

14 An MMS server;

15 An MMS relay;

16 Evans teaches the lacking limitations, "Short messaging Service Server" (Evans
17 paragraph [0022]); "a multimedia client proxy" (Evans paragraph [0022]). A person of
18 ordinary skill in the art at the time of invention would have modified Malik in view of
19 Shen in view of Kobata by including support for a SMS service and including the related
20 servers. It would have been obvious at the time the invention was made to a person of
21 ordinary skill in the art to modify the combination in order to provide for communication
22 over multiple formats.

Regarding claim 27, Malik in view of Shen in view of Kobata in view of Evans teaches: wherein any of said MMS server, MMS relay, transcoder, and DRM server are individually or cooperatively operative to track to whom said content is sent and with what rights. (“The server may maintain a virtual database of digital assets and may use the database in implementing functions such as data mining, tracking, and monitoring of rights consumption” Kobata paragraph [0018])

Response to Arguments

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bhagwat et al. (US 6,563,517) discloses a multi resolution cache.

Mattis et al. (US 6,128,623) discloses caching multiple versions with CRC.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao whose telephone number is (571)270-5657. The examiner can normally be reached on 8-4 Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./
Examiner, Art Unit 2442

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2442